

Introduced by Senator Battin

February 13, 2003

An act to amend Sections 2800.2 and 2800.3 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 213, as introduced, Battin. Vehicles: pursued vehicles: punishment.

(1) Existing law makes it a misdemeanor punishable by imprisonment in a county jail for not more than one year, or a felony punishable by imprisonment in the state prison, or by a fine of not less than \$1,000 nor more than \$10,000, or by both the fine and imprisonment for a person who, while operating a motor vehicle, intentionally, evades, willfully flees, or otherwise attempts to evade a pursuing peace officer's motor vehicle or bicycle under certain conditions, and the pursued vehicle is driven in a willful or wanton disregard for persons or property.

This bill would make the above offense exclusively a felony and would require the imposition of the fine.

(2) Existing law makes it a misdemeanor punishable by confinement in a county jail for not more than one year or a felony punishable by imprisonment in the state prison for 3, 4, or 5 years or a fine of not less than \$2,000 nor more than \$10,000 for a person who commits the offense described in (1) above and proximately causes serious bodily injury, as defined, or death to any person.

This bill would make the above offense exclusively a felony and would require the imposition of the fine.

(3) By increasing the punishment for certain crimes, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2800.2 of the Vehicle Code is amended
2 to read:

3 2800.2. (a) If a person flees or attempts to elude a pursuing
4 peace officer in violation of Section 2800.1 and the pursued
5 vehicle is driven in a willful or wanton disregard for the safety of
6 persons or property, the person driving the vehicle, upon
7 conviction, shall be punished by imprisonment in the state prison;
8 ~~or by confinement in the county jail for not less than six months~~
9 ~~nor more than one year. The court may also impose and a fine of~~
10 not less than one thousand dollars (\$1,000) nor more than ten
11 thousand dollars (\$10,000), ~~or may impose both that~~
12 ~~imprisonment or confinement and fine.~~

13 (b) For purposes of this section, a willful or wanton disregard
14 for the safety of persons or property includes, but is not limited to,
15 driving while fleeing or attempting to elude a pursuing peace
16 officer during which time either three or more violations that are
17 assigned a traffic violation point count under Section 12810 occur,
18 or damage to property occurs.

19 SEC. 2. Section 2800.3 of the Vehicle Code is amended to
20 read:

21 2800.3. Whenever willful flight or attempt to elude a pursuing
22 peace officer in violation of Section 2800.1 proximately causes
23 death or serious bodily injury to any person, the person driving the
24 pursued vehicle, upon conviction, shall be punished by
25 imprisonment in the state prison for three, four, or five years, ~~by~~
26 ~~imprisonment in the county jail for not more than one year, or by~~
27 ~~and a fine of not less than two thousand dollars (\$2,000) nor more~~
28 ~~than ten thousand dollars (\$10,000), or by both that fine and~~
29 ~~imprisonment.~~

1 For purposes of this section, “serious bodily injury” has the
2 same meaning as defined in paragraph (4) of subdivision (f) of
3 Section 243 of the Penal Code.

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

